

FILED

IN UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

2012 NOV 15 P 3:27

CLERK US DISTRICT COURT
ALEXANDRIA, VIRGINIA

JANET BEASLEY,

Plaintiff,

v.

RED ROCK FINANCIAL SERVICES, LLC,

Defendant.

:
:
:
:
:
:
:
:
:
:
:

CIVIL ACTION NO.

1:12cv1312
AJT/TRJ

DEFENDANT'S NOTICE OF REMOVAL

Defendant Red Rock Financial Services, LLC, by counsel, hereby removes the above-captioned action to the United States District Court for the Eastern District of Virginia, Alexandria Division, pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1446. The basis for federal jurisdiction is 28 U.S.C. § 1331 (federal question) and 28 U.S.C. § 1332 (diversity of citizenship).

1. Plaintiff Janet Beasley, filed a Complaint against Red Rock Financial Services, LLC, in the Circuit Court of Fairfax County, Virginia, styled Janet Beasley v. Red Rock Financial Services, LLC, Case No. 201210364, on July 13, 2012 (hereinafter "Fairfax County Action"). Red Rock Financial Services, LLC's registered agent was served on August 8, 2012, Plaintiff's counsel agreed to an extension of time to file responsive pleadings and has no objection to the removal of this case.

2. Pursuant to 28 U.S.C. § 1446(a), Red Rock Financial Services, LLC, attaches as Exhibit A copies of the summons issued by the Circuit Court of Fairfax County in the Fairfax

County action as well as a copy of the Complaint and the Answer. Exhibit A constitutes all process and pleadings which Plaintiff has served on Defendant in this action.

3. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §1332 because complete diversity of citizenship exists between Plaintiff and the Defendant (and existed at the time the Complaint was filed) and the amount in controversy exceeds \$75,000.00, exclusive of costs and interest as follows:

- a. Plaintiff is (and was at the time the Complaint was filed) a citizen of the Commonwealth of Virginia.
- b. Red Rock Financial Services, LLC is (and was at the time the Complaint was filed) a Delaware Limited Liability Company with its principal place of business in Clark County, Nevada.
- c. Plaintiff seeks \$49,000.00 plus attorney fees against Defendant.

4. This Court also has original jurisdiction over this action pursuant to 28 U.S.C. § 1331 because the Complaint alleges causes of action pursuant to the Fair Debt Collection Practices Act ("FDCPA") 15 U.S.C. § 1692a *et seq.* Plaintiff alleges no causes of action under state law.

5. Accordingly, removal is proper pursuant to 28 U.S.C. § 1441(a).

6. The timeline set forth in 28 U.S.C. § 1446(b) is not jurisdictional and can be waived. *See Booth v. Furlough, Inc.*, 995 F. Supp. 629, 632 (E.D. Va. 1998). Plaintiff in this action has no objection to the removal of this action.

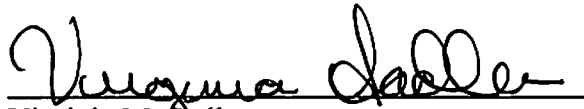
7. The litigation has just begun. No dispositive motions have been heard and discovery has not yet commenced. Removal of this case would thus not result in a waste of judicial resources.

8. Defendant has given written notice of the filing of this pleading to Plaintiff's counsel and to the Clerk of the Circuit Court of Fairfax, County Virginia as required by 28 U.S.C. § 1446(b). *See* Exhibit B.

9. Red Rock Financial Services, LLC, is the only named defendant.

WHEREFORE, Defendant Red Rock Financial Service, LLC, hereby respectfully removes the above captioned action from the Circuit Court of Fairfax County, Virginia to this Court pursuant to 28 U.S.C. § 1441(a) and 28 U.S.C. § 1446.

RED ROCK FINANCIAL SERVICES, LLC
By Counsel

A handwritten signature in black ink, appearing to read "Virginia Sadler", is written over a horizontal line.

Virginia M. Sadler
Virginia State Bar No. 48736
Attorney for Red Rock Financial Services, LLC
JORDAN COYNE & SAVITS, L.L.P.
10509 Judicial Drive, Suite 200
Fairfax, Virginia 22030
(Tel.) (703) 246-0900
(Fax) (703) 591-3673
E-Mail: v.sadler@jocs-law.com

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 15th day of November, 2012, a true copy of the foregoing Notice of Removal was mailed, postage paid, to:

Ernest P. Francis, Esquire
ERNEST P. FRANCIS, LTD.
1655 North Fort Myer Drive
Suite 700
Arlington, Virginia 22209
Counsel for Plaintiff

A handwritten signature in black ink, appearing to read "Virginia Sadler", written over a horizontal line.

Virginia M. Sadler
Virginia State Bar No. 48736
Attorney for Red Rock Financial Services, LLC
JORDAN COYNE & SAVITS, L.L.P.
10509 Judicial Drive, Suite 200
Fairfax, Virginia 22030
(Tel.) (703) 246-0900
(Fax) (703) 591-3673
E-Mail: v.sadler@jocs-law.com